IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 32897 of 2006(S)

OA.441/2006 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH

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PETITIONER:

V.S. SARASAN, S/O.LATE V.K.SREEDHARAN,
AGED 60 YEARS, FORMER PAY AND ACCOUNTS OFFICER,
CUSTOMS, W.ISLAND, COCHIN-9, RESIDING AT 12/370,
VELEEPARAMBIL, N.S.S. SCHOOL ROAD, PALLURUTHY,
COCHIN-6.

BY ADV. SRI.DINESH R.SHENOY

RESPONDENTS:

1. SMT. MARIAMMA JOSE,ADMINISTRATIVE OFFICER,
CENTRAL EXCISE (RETD.), RESIDING AT KAVALAKKATT
OVUNGAL HOUSE,TOWN HALL ROAD, COCHIN-682 018.

2. PAY AND ACCOUNTS OFFICER,CENTRAL EXCISE,
CENTRAL REVENUE BUILDING,
I.S. PRESS ROAD, COCHIN-682 018.

3. CONTOLLER OF ACCOUNTS,CENTRAL PENSION
ACCOUNTING OFFICE,NEW DELHI-110 066.

4. COMMISSIONER OF CENTRAL EXCISE &CUSTOMS,
CENTRAL REVENUE BUILDING, I.S.PRESS ROAD,
COCHIN-682 018.

5. UNION OF INDIA,
REP. BY THE SECRETARY, DEPARTMENT OF REVENUE,
MINISTRY OF FINANCE, NORTH BLOCK, NEW DELHI-110001

BY ADV. SRI.JOHN VARGHESE, ASSISTANT SG

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE PHOTOCOPY OF THE ORDER DATED 28/9/2006 PASSED BY THE HONOURABLE C.A.T., ERNAKULAM IN O.A.NO.441/2006.

EXT.P2:TRUE PHOTOCOPY OF THE UNDERTAKING ALONG WITH LETTER DATED 30/9/2005.

EXT.P3: TRUE PHOTOCOPY OF LETTER DATED 31/10/2005 ISSUED BY THE PETITIONER.

EXT.P4: TRUE TYPED COPY OF LETTER NO.PAO/CE/CHN/PEN 1082/06-07/887 DATED 10/11/2006 OF THE PAY AND ACCOUNTS OFFICE, CENTRAL EXCISE, COCHIN-18.

EXT.P5: TRUE PHOTOCOPY OF O.A.NO.441/2006, WITHOUT ANNEXURES, C.A.T., ERNAKULAM.

EXT.P6: TRUE PHOTOCOPY OF REPLY STATEMENT FILED BY THE PETITIONER IN OA.NO.441/2006, CENTRAL ADMINISTRATIVE TRIBUNAL , ERNAKULAM.

EXT.P7: TRUE PHOTOCOPY OF THE JUDGMENT DATED 24/10/2005 IN W.P(C) NO.23753/2003, HIGH COURT OF KERALA.

// TRUE COPY //

TKS

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C)No.32897 OF 2006

Dated 28th February, 2007

JUDGMENT

Koshy,J.

This writ petition is filed challenging Ext.P1 order passed by the Central Administrative Tribunal in so far as it contains adverse comments and observations against the petitioner and he was imposed with a cost of Rs.2,000/=. It is submitted that leave salary benefit and other benefits etc. were paid within one week of the retirement and provisional pension was withheld only in view of pending writ petition. The writ petition was decided subsequently and, thereafter, it is for the higher authority to decide the matter as directed in Ext.P7 judgment in W.P.(C)No.23753 of 2003. In the above circumstances, adverse remarks against the petitioner and imposition of cost of Rs.2,000/= against him are set aside. Ext.P1 is interfered only to the above extent.

The writ petition is allowed.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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